

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	ED103396
)	
Respondent,)	Appeal from the Circuit Court
)	of Pike County
v.)	14PI-CR00066
)	
FREDERICK HILL III,)	Honorable David H. Ash
)	
Appellant.)	Filed: August 30, 2016

Frederick Hill, III (Defendant) appeals from a sentence and judgment of conviction for first-degree trespass. He argues the State cannot legally charge him with trespassing upon his own property.

AFFIRMED.

Division Four Holds: The plain language of Section 569.140 does not preclude the possibility of a person being convicted under that section for trespassing on his or her own property. Further, Section 455.050 specifically provides that an order of protection may enjoin a person from entering the dwelling unit of the petitioner, even where that dwelling unit is jointly owned by both parties. Thus, Defendant's choice to remain on his property after police read a valid ex parte order of protection and asked him to leave was unlawful, and nothing in Section 569.140 prohibited the State from charging Defendant with trespassing.

Opinion by: Gary M. Gaertner, Jr., J.
James M. Dowd, P.J., and Kurt S. Odenwald, J., concur.

Attorney for Appellant: Amy M. Bartholow
Attorneys for Respondent: Mark S. Fisher

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
